



Frank S. Simone  
Government Affairs Director

Suite 1000  
1120 20<sup>th</sup> Street, NW  
Washington DC 20036  
202-457-2321  
202-263-2660 FAX  
fsimone@att.com

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VIA ELECTRONIC FILING

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S. W. – Room TWB-204  
Washington, D. C. 20554

Re: Ex parte, CC Docket No. 01-194, Application of SBC Communications Inc. Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region InterLATA Services in Missouri and Arkansas

Dear Ms. Salas:

This ex parte letter, submitted at the Commission staff's request, responds to SWBT's October 22, 2002 ex parte submission regarding LMOS (the "October 22 Ex Parte"). In its vitriolic ex parte, SWBT attempts once again, and at great length, to demonstrate that it provides CLECs with nondiscriminatory access to its repair and maintenance systems. AT&T need not respond to each of SWBT's many individual points because, notwithstanding the vehemence of SWBT's rhetoric, one point remains clear: SWBT has not shown, and cannot show, that it currently provides CLECs the same availability and reliability of electronic processing of trouble tickets that SWBT enjoys. Even as SWBT presents the facts, the reality remains that SWBT is incapable of updating its LMOS records promptly for CLECs during those days of the month when SWBT is processing bills. This is a chronic problem that SWBT has yet fully to fix, and – notwithstanding SWBT's arm-waving to the contrary – it is competitively significant.

While AT&T will not respond to each new SWBT point, several misstatements require a response in order ensure that the record is clear.

First, AT&T has already described in detail the competitive impact that the LMOS database errors has had, and will not repeat those arguments here.<sup>1</sup> However, it is worth noting that SWBT's claim that CLECs submit trouble tickets on approximately 0.77% of UNE-P lines with "service order activity" within the first three days after provisioning (October 22 Ex Parte at 5), does not withstand scrutiny. In fact, SWBT's data for measure 35.1 (implementation of which SWBT long resisted) shows that CLECs report twice that percentage of trouble tickets on the day of completion for UNE-P conversion orders – much less within three days.<sup>2</sup> While SWBT does not explain how it derived its quoted data, inclusion of other "service order activities" besides conversion (e.g., feature changes) that would not likely trigger a trouble report would skew the data in SWBT's favor.

Second, SWBT claims that AT&T "admitted" that it did not become aware of the consequences that result from SWBT's failure to update LMOS records until March 2001, and that this "admission" somehow proves lack of competitive significance. This is nonsense. AT&T and other CLECs had difficulties with submission of electronic trouble tickets long before March 2001, and SWBT's own affidavit in the Texas 271 proceeding demonstrates that AT&T had raised this issue with SWBT in an effort to understand and correct the root cause of those longstanding difficulties well before March 2001.<sup>3</sup> AT&T, however, had not associated the failure to update LMOS correctly with the delay in electronic trouble ticket submissions because SWBT had provided sworn testimony that the delays in posting to LMOS had been fixed as of June 1999. It was not until April 2001 (and only after persistent contacts by AT&T) that SWBT first admitted that the continuing difficulties with electronic trouble ticket submission were due to LMOS problems.<sup>4</sup>

Third, SWBT's emphasis on the fact that AT&T has only one billing cycle in Missouri and is moving to consolidate its accounts so that there will be only two billing cycles in Texas is besides the point. AT&T did not contend otherwise. *See* Ex Parte Letter from Richard E. Young to Magalie Roman Salas, dated October 16, 2001 ("AT&T October 16<sup>th</sup> Ex Parte") at 2 (noting that AT&T has one billing cycle in

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<sup>1</sup> *E.g.*, Joint Declaration of Water W. Willard and Mark Van de Water on Behalf of AT&T Corp., CC Docket 01-194 (filed Sept. 10, 2001) (the "Willard/Van de Water Declaration") at ¶¶ 25-32.

<sup>2</sup> This result is the same for the months of June-August, the months that SWBT examined, as well as for the more recent month of September. Moreover, the result is the same for both Missouri and Texas. A summary of the June-September results in both Texas and Missouri is annexed hereto as Exhibit A.

It is worth noting that these results are understated to the extent that SWBT's performance measure data are skewed by the LMOS errors. *See* Willard/Van de Water Declaration at ¶¶ 37-44. The upcoming five state audit of SWBT systems and measurements related to the LMOS problems will specifically test the accuracy of PM 35.1, which has not yet previously been audited. *See* TPUC Project No. 20400, Order No. 36, attached Audit Plan at 11 (Sept. 5, 2001).

<sup>3</sup> *See* Affidavit of Elizabeth A. Ham filed January 10, 2000 in CC Docket No. 00-4, ¶ 223 (acknowledging that AT&T had experienced problems with opening electronic trouble tickets on UNE-P orders).

<sup>4</sup> In fact, notwithstanding AT&T's ongoing requests to investigate TNs for which it could not open trouble tickets, SWBT did not admit that there was a linkage between LMOS and problems with electronic trouble ticket submissions until AT&T confronted it with a filing made by Birch Communications that made such a link.

Missouri and two in Texas). The fact is that each billing cycle is associated with a 3-4 day delay in a CLEC's ability to submit electronic trouble tickets, and SWBT has not denied that this is the case. Nor has SWBT supplied any reasoned explanation why such a lengthy delay is necessary "to ensure that CLEC's [sic] UNE-P bills contain the correct information." October 22 Ex Parte at 2.

In short, SWBT's discussion of AT&T's efforts to consolidate its bill period in Texas in no way responds to AT&T's concerns about the delays in LMOS posting that SWBT claims are inevitable during its bill processing period. But SWBT's focus on AT&T's consolidation of billing periods in Texas is noteworthy for a different reason: AT&T's experience demonstrates that SWBT remains incapable of providing AT&T with reliable access to its OSS. In the course of moving AT&T's customers from a billing date that is triggered on the 5<sup>th</sup> of the month to one that is triggered on the 25<sup>th</sup> of the month (*see* October 22 Ex Parte at 3), SWBT inexplicably issued disconnect reports that included over 3000 of these customers. As a result, AT&T believed that these customers had switched local carriers, and therefore stopped billing them. After investigation, SWBT admitted that it had inappropriately issued the disconnect reports and that the customers had not, in fact, migrated to other carriers. AT&T is now in the process of billing those customers for the time frame in which – due to SWBT's mistake – it believed that the customers had switched local carriers. Needless to say, the back billing has created a loss of goodwill, and has increased the customer service resources that are needed to address customers' inquiries about their bills.

Fourth, SWBT's attempt to create an issue over which interface AT&T used to evaluate the accuracy of SWBT's LMOS database (October 22 Ex Parte at 5, n. 10) is misguided. AT&T used SWBT's Verigate interface to check the LMOS status of the TNs provided to SWBT on May 25. Because SWBT had consistently maintained that the CSRs accessible through Verigate are continually updated, checking Verigate should be an accurate means of determining whether SWBT has properly updated the LMOS database. However, because SWBT later denied that checking Verigate would be sufficient, beginning with the Texas orders that AT&T provided to SWBT on July 9, AT&T checked the LMOS record by entering the TN into the TBTA database. *See* Willard/Van de Water Decl., ¶ 13 n.4. Indeed, because SWBT had challenged AT&T's use of Verigate to check LMOS accuracy, it is particularly ironic that SWBT now accuses AT&T of entering "pseudo trouble tickets" in TBTA to check LMOS accuracy. In any event, regardless of which sampling method AT&T used, the conclusion about the order samples provided to SWBT on May 25 and July 9 remains the same: SWBT could not provide any explanation as to why AT&T's samples showed that the LMOS database was not correctly updated.

Finally, SWBT's various responses to AT&T's criticisms of its use of "total CLEC UNE-P line activity" as the denominator to compute the error rate for LMOS are without merit. October 22 Ex Parte at 7-8. For example, SWBT accuses AT&T of "making . . . up" its point that SWBT has skewed error rates in SWBT's favor, because four of the categories of line activity identified by SWBT do not pose the same competitive risks as UNE-P conversions. *Id.* at 8. AT&T, however, fully explained – and SWBT does not dispute – that, in contrast to UNE-P conversions, the four

categories in question do not require the change in the “owner” of the account in the LMOS database. AT&T October 16 Ex Parte at 5. Although SWBT contends that none of the categories it identified, including UNE-P conversions, “is inherently more simple or measurably more likely than the others to post to LMOS successfully” (October 22 Ex Parte at 8), SWBT offers no data to support its contention. In fact, SWBT admits that it cannot even break down its data to show the LMOS error rate for conversion activity. *Id.*; AT&T October 16 Ex Parte at 5.<sup>5</sup> SWBT instead again cites the “overall status of the LMOS database.” October 22 Ex Parte at 8. But, as AT&T previously pointed out in its *ex parte*, even if 99.5 percent of UNE-P lines in the database are correctly in working status, that statistic is essentially meaningless.

At bottom, SWBT’s response that it finds AT&T’s characterization “truly astounding” (*id.*) simply reflects its disregard of the critical parity issue. The question for purposes of Section 271 is whether SWBT is updating LMOS records for UNE-P conversions in a sufficiently accurate and timely manner that CLECs have the same ability to open trouble tickets electronically as SWBT’s own retail operations. SWBT has not provided data to show that it is doing so, and AT&T’s experience, and that of other CLECs, is that SWBT has not provided CLECs with the reliable electronic access that is needed and that is comparable to what SWBT has.

Sincerely,



cc: D. Attwood  
S. Bergmann  
J. Carlisle  
U. Onyeije  
G. Remondino

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<sup>5</sup> PM 35.1 requires SWBT to isolate UNE-P conversion orders and related trouble reports (on the day of completion) for measurement purposes. *See* SWBT Performance Measurement Business Rules, version 1.7, at PM 35.1 (unchanged in version 2.0). SWBT’s ability to implement this measure calls into question SWBT’s protests about the difficulty of isolating the LMOS error rate for UNE-P conversions.

## Exhibit A

### PM 35.1 Results for Texas and Missouri June-September 2001

#### Texas<sup>6</sup>

Month	# UNE-P Conversion Orders	# Trouble Reports on Completion Date	% Trouble Reports on Completion Date
June 2001	59,670	820	1.37%
July 2001	54,607	762	1.40%
August 2001	69,495	853	1.23%
<b>June-August 2001 combined</b>	<b>183,772</b>	<b>2435</b>	<b>1.33%</b>
September 2001	55,431	794	1.43%

#### Missouri<sup>7</sup>

Month	# UNE-P Conversion Orders	# Trouble Reports on Completion Date	% Trouble Reports on Completion Date
June 2001	1902	28	1.47%
July 2001	2353	23	0.98%
August 2001	2958	45	1.52%
<b>June-August 2001 combined</b>	<b>7213</b>	<b>96</b>	<b>1.33%</b>
September 2001	2085	28	1.34%

<sup>6</sup> The statewide data for Texas was taken from a statewide report that SWBT provides to the Texas Public Utilities Commission in Project No. 20400.

<sup>7</sup> The statewide data for Missouri was derived by combining SWBT's posted performance data for the Kansas City and St. Louis reporting areas.